

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CLAUDIA D. DIPRINZIO,	:	
	:	Civil Action
Plaintiff,	:	
	:	
v.	:	No. 04-872
	:	
MBNA AMERICA BANK, N.A.,	:	
	:	(Smith, J.)
Defendant.	:	
_____	:	

**DEFENDANT MBNA AMERICA BANK, N.A.'S
PRETRIAL MEMORANDUM**

Defendant MBNA America Bank, N.A. hereby submits this Pretrial Memorandum in accordance with the procedures of the Honorable Charles B. Smith.¹

I. Defendant's Exhibits

Defendant submits, along with this document, a copy of the following Exhibits in Defendant's exhibit binder.

D-1	First Union Credit Card Acceptance (Application), 7/23/99 (MBNADIP0001)
D-2	Account Statement, 10/99 (MBNADIP0043)
D-3	Account Statement, 11/99 (MBNADIP0044)
D-4	Account Statement, 12/99 (MBNADIP0045)
D-5	Account Statement, 1/00 (MBNADIP0046)
D-6	Account Statement, 2/00 (MBNADIP0047)
D-7	Account Statement, 3/00 (MBNADIP0048)
D-8	Account Statement, 4/00 (MBNADIP0049-50)
D-9	Account Statement, 5/00 (MBNADIP0051)
D-10	Account Statement, 6/00 (MBNADIP0052)
D-11	Account Statement, 7/00 (MBNADIP0053)
D-12	Account Statement, 8/00 (MBNADIP0054)
D-13	Account Statement, 9/00 (MBNADIP0055)

¹ The parties' Amended Joint Pretrial Stipulation, submitted to the Court when the case was pending before Judge Ludwig, remains in effect and is incorporated herein by reference.

D-14	Account Statement, 10/00 (MBNADIP0056-57)
D-15	Account Statement, 11/00 (MBNADIP0058)
D-16	Account Statement, 12/00 (MBNADIP0059)
D-17	Account Statement, 1/01 (MBNADIP0060)
D-18	Account Statement, 2/01 (MBNADIP0061)
D-19	Account Statement, 3/01 (MBNADIP0062)
D-20	Account Statement, 4/01 (MBNADIP0063)
D-21	Account Statement, 5/01 (MBNADIP0064)
D-22	Account Statement, 6/01 (MBNADIP0065)
D-23	Account Statement, 9/01 (MBNADIP0004)
D-24	Account Statement, 10/01 (MBNADIP0005)
D-25	Account Statement, 11/01 (MBNADIP0006)
D-26	Account Statement, 12/01 (MBNADIP0007)
D-27	Account Statement, 1/02 (MBNADIP0008)
D-28	Account Statement, 2/02 (MBNADIP0009)
D-29	Account Statement, 3/02 (MBNADIP0010)
D-30	Account Statement, 4/02 (MBNADIP0011)
D-31	Account Statement, 5/02 (produced by Plaintiff, includes Plaintiff's handwritten notes)
D-32	Account Statement, 5/02 (MBNADIP0012) (produced by MBNA)
D-33	Account Statement, 6/02 (produced by Plaintiff)
D-34	Account Statement, 6/02 (MBNADIP0013) (produced by MBNA)
D-35	Account Statement, 7/02 (Internet print-out produced by Plaintiff)
D-36	Account Statement, 7/02 (MBNADIP0014) (produced by MBNA)
D-37	Account Statement, 8/02 (MBNADIP0015)
D-38	Account Statement, 9/02 (MBNADIP0016)
D-39	Account Statement, 10/02 (MBNADIP0017)
D-40	Account Statement, 11/02 (MBNADIP0018)
D-41	Customer Information System Documents, Account No. 4264-2984-1467-4815, 5/17/04, entries dated 5/30/02 to 6/23/03 (MBNADIP0028-38)
D-42	Customer Information System Documents, Account No. 4264-2984-1467-4815, 9/7/04, entries dated 6/3/02 to 6/23/03 (MBNADIP0019-25)
D-43	Archived Comment Records, Account No. 4264-2984-1467-4815, 9/8/04, entries dated 6/12/04 to 8/12/04 (MBNADIP0041)
D-44	Customer Information System Documents, Account No. 4264-2989-9962-5018, 9/7/04, entries dated 11/7/02 to 6/23/03 (MBNADIP0026-27)
D-45	Customer Information System Documents, Account No. 4264-2989-9962-5018, 5/17/04, entries dated 11/7/02 to 6/23/03 (MBNADIP0039-40)
D-46	Non-Responsible Form, Completed by Plaintiff, 6/24/02 (MBNADIP0003)
D-47	Non-Responsible Form, Not Completed, From Tom Hagen to Plaintiff,

	6/25/02 (MBNADIP0066-67)
D-48	Letter from Olivia Banes to Mr. Previdi (Havertown address), 7/22/02 (MBNADIP0068)
D-49	Letter from Plaintiff to MBNA, 7/25/02 (MBNADIP0002)
D-50	Non-Responsible Form, Not Completed, From Tom Hagen to Plaintiff, 8/3/02 (MBNADIP0069-70)
D-51	Letter from Tom Hagen to Mr. Previdi (Colorado address), enclosing Non-Responsible Form, Not Completed, 8/3/02 (MBNADIP0071-72)
D-52	Letter from Deborah King to Mr. Previdi (Colorado address), enclosing Application Copy, 8/6/02 (MBNADIP0073)
D-53	Letter from Senior Account Manager to Mr. Previdi and Plaintiff (Colorado address), 8/20/02 (MBNADIP0074)
D-54	Letter from Denise Cohn to Mr. Previdi (Colorado address), 10/7/02 (MBNADIP0075)
D-55	IFCC Online Complaint Referral Form, Completed by Plaintiff (three pages), 12/17/02
D-56	Better Business Bureau Online Complaint Form, Completed by Plaintiff (four pages), 2/26/03
D-57	Letter from Cardmember Service to Plaintiff, undated (respecting increase in APR)
D-58	Letter from Household to Plaintiff, 12/9/02
D-59	Equifax Credit Report for Plaintiff, 12/17/02
D-60	Experian Credit Report for Plaintiff, 12/17/02
D-61	Trans Union Credit Report for Plaintiff, 12/17/02
D-62	Letter from Plaintiff to Equifax, 3/17/03
D-63	Letter from Plaintiff to Experian, 3/17/03
D-64	Letter from Plaintiff to Trans Union, 3/17/03
D-65	FCRA Dispute Form from Equifax to MBNA, 3/27/03 (MBNADIP0077)
D-66	FCRA Dispute Form from Experian to MBNA, 3/27/03 (MBNADIP0076)
D-67	Equifax Credit Report for Plaintiff, 4/13/03
D-68	Experian Credit Report for Plaintiff, 4/15/03
D-69	Trans Union Credit Report for Plaintiff, 7/23/03
D-70	E-Oscar System Printout (two pages, redacted), for Claudia D. Previdi, Control No. *9999308617136129
D-71	E-Oscar System Sample Screen Print (one page, redacted), 10/20/04

II. Defendant's Witness

Denise English, a corporate representative of MBNA, will testify as to all issues of liability and damages.

III. Memorandum of Issues Expected at Trial

Defendant has submitted a Trial Brief under separate cover relating to issues expected to arise at trial.

IV. Jury Instructions

Defendant has submitted Proposed Jury Instructions under separate cover.

Respectfully submitted,

Dated: September 12, 2005

/s/ Karl S. Myers (VSC # KSM2012)
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Karl S. Myers, Esquire
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Defendant.	:	(Smith, J.)
	:	
_____	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Defendant MBNA America Bank, N.A.'s Pretrial Memorandum* was served today upon counsel for the parties by hand delivery, addressed as follows:

John Soumilas, Esquire
Francis & Mailman, P.C.
Land Title Building, 19th Floor
100 South Broad Street
Philadelphia, PA 19110
Counsel for Plaintiff

Dated: September 12, 2005

/s/ Karl S. Myers (VSC # KSM2012)